



(266140110) On-line FOIA Request
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FREEDOM OF
INFORMATION OFFICE

CENTRAL NO. 00839-18
 REQUEST DUE: 10/25/10
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 SERIALIZED ☒ FILED ☒
 OCT 1 2010
 FBI - MEMPHIS
 SPECIAL AGENT IN CHARGE
 [Signature] ☒ EAD
 [Signature] ☒ OTHER

01_NAME_: Sarah Stokes
 02_COMPANY_: Southern Environmental Law Center
 03_ADDRESS_: 2829 2nd Ave. S.
 04_CITY_: Birmingham
 05_STATE_: AL
 06_ZIP_: 35233
 07_EMAIL_: sstokes@selcal.or
 08_PHONE_: 205-745-3060
 09_FAX_: 205-745-3064

10_SPECIFIC_INFORMATION_NEEDED_: The Southern Environmental Law Center ("SELC") requests all draft or final documents in the possession or control of the Environmental Protection Agency (EPA) that relate to the proposed Tuscaloosa Eastern Bypass ("Eastern Bypass"), also known as the Warrior Loop, State Route 297 or the Eastern Bypass.

These documents are to include, but are not limited to:

- 1) Any environmental, economic, or other studies and/or draft studies concerning the Eastern Bypass, including any reevaluation or other supplemental analyses of the Environmental Impact Statement prepared for this project in 1999;
- 2) Any documents related to funding, construction or planning of the Eastern Bypass;
- 3) Any documents relating to ALDOT's acquisition of the M Bend property from the Parks and Recreation Authority of Tuscaloosa or any land trust or other entity;
- 4) Any written or electronic correspondence concerning the Eastern Bypass;
- 5) Any written or electronic minutes from meetings concerning the Eastern Bypass including all Hurricane Creek related minutes.

Excluded from processing

For the purposes of this request, the term "documents" includes all written, printed, recorded or electronic materials, communications, correspondence, memoranda, notations, copies, diagrams, charts, maps, photographs, tables, spreadsheets, formulas, directives, observations, impressions, contracts, letters, messages and mail in the possession or control of EPA.

11_FEE_: Other Specified Amount, 50.00
 12_FEE_WAIVER: Yes

13_FeeWaiver_text: SELC is requesting photocopies without charge, or at a reduced charge, because reduction or waiver of fees would be in the public interest. A disclosure is in the public interest if (1) it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) it is not primarily in the commercial interest of the requester. The public interest standard of the fee waiver provision of the FOIA should be "liberally construed" in favor of waivers. McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1284 (9th Cir. 1987); Pederson v. Resolution Trust Corp., 847 F. Supp. 851, 855 (D. Colo. 1994); Etlinger v. FBI, 596 F. Supp. 867, 872 (D. Mass. 1984). The goal of the statute is to avoid the "roadblocks and technicalities which have been used by various Federal agencies to deny waivers...." Pederson, 847 F. Supp. at 855.

SELC is a 501(c)(3) non-profit organization with almost 25 years of experience

disseminating public information regarding U.S. regulatory and operational issues. See 5 U.S.C. § 552 (a)(4)(A)(iii). SELC maintains a website that includes both general and topic-specific information regarding the matters with which SELC is involved. For example, SELC frequently publishes reports and issues press releases regarding its projects (See e.g., "Clean Air for the Birmingham Area",

http://www.southernenvironment.org/uploads/publications/BAR_0909_Final.pdf , and "Four Environmental Groups Seek to Defend Greenhouse Gas Rule in Court" http://www.southernenvironment.org/newsroom/press_releases/tailoring_rule_motion_to_intervene/ .) Lawyers at SELC are routinely interviewed by the media to explain their work and its significance. (See e.g., "Freeze on Offshore Drilling was Verbal Order," NPR, May 25, 2005, <http://www.npr.org/templates/story/story.php?storyId=127114044> .) SELC's website

contains documents generated by SELC for the specific purpose of educating the public on particular issues. (See e.g., "Alabama Water Agenda; Guiding the Way to Healthy Waters"

http://www.southernenvironment.org/uploads/publications/al_water_agenda_jan07.pdf .) SELC also assists the public in locating information relating to a particular topic by collecting and posting relevant information, documents, and links to other websites.

All of this information is available for free to any interested member of the public. SELC staff members also educate the public by speaking at conferences and other public meetings about environmental and natural resource issues in the Southeast. A fee waiver clearly will benefit the general public through increased notice and understanding of the operations of the government and of potential or proposed major policy incentives. SELC further certifies that disclosure of the information sought is not primarily in the commercial interest of the requester.

Should SELC's request for reduced or waived fees be denied, SELC is prepared to bear the reasonable duplication and search costs necessary to fulfill this request. However, I request you contact me before processing this request if the fee is expected to be in excess of \$50. SELC reserves its right to appeal a fee waiver or reduction denial.

14_EXPEDITED_PROCESSING:Yes

15_ExpeditiedWaiver_text:The Eastern Bypass project is moving forward and potentially commencing in a short time. Property has been purchased. SELC will inform the public about this project.

WARNING NOTICE

This electronic mail originated from a federal government computer system of the United States Environmental Protection Agency (EPA). Unauthorized access or use of this EPA system may subject violators to criminal, civil and/or administrative action. For official purposes, law enforcement and other authorized personnel may monitor, record, read, copy and disclose all information which an EPA system processes. Any person's access or use, authorized and unauthorized, of this EPA system to send electronic mail constitutes consent to these terms."

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 27, 2010

OFFICE OF
ENVIRONMENTAL INFORMATION

Ms. Sarah Stokes
Southern Environmental Law Center
2829 2nd Avenue South
Birmingham, AL 35233

RE: Request Number 04-FOI-00839-10

Dear Ms. Stokes:

This is in response to your request for expedited processing and a waiver of fees for the processing of your Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 request. You are seeking a copy of records regarding the proposed Tuscaloosa Eastern Bypass, also known as the Warrior Loop, State Route 297 or the Eastern Bypass.

We have reviewed your submission and based on the information provided, we are granting your request for a fee waiver. However, this fee waiver does not include a waiver of fees for otherwise publically available records.

We have reviewed your expedited processing justification and based on the information provided, we are denying your request for expedited processing. You have not demonstrated that the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual. Your information request will be processed as expeditiously as possible by the US Environmental Protection Agency (EPA) Region 4 office in Atlanta, GA.

You may appeal this denial to the National Freedom of Information Office, US EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (US Postal Service only), fax: (202) 566-2147, e-mail: hq.foia@epa.gov. Only items mailed through the US Postal Service may be delivered to 1200 Pennsylvania Avenue, NW.

